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Fresno, California

July 31, 2006

The City Council met in special session at the hour of 10:00 a.m. in the Council Chambers, City Hall, on the day above written, to consider FY 2007 Budget related issues.

Present were Councilmembers Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund and President Duncan, City Manager Souza, City Attorney Sanchez, Assistant City Clerk Salazar, and necessary staff.

President Duncan and City Attorney Sanchez gave an overview of the issue, actions/requirements, and process.

("A") REQUEST FOR OVERRIDE OF MAYOR VETOES (*Requires five (5) affirmative votes*)

1. Motion #36 - ADD FIVE (5) INVESTIGATORS TO THE POLICE DEPARTMENT (*IMPACT AAR IN THE AMOUNT OF \$421,200 AND PAR BY 5 POSITIONS*) - PRESIDENT DUNCAN

A motion and second was made to override the Mayor's veto.

Upon the request of Councilmember Sterling, Chief Dyer explained his position on the motion and veto, stated he was fine with not adding the five positions at this time due to the current number of sworn vacancies and the task of filling those vacancies, and also due to the addition of 20 cadets and explained, and stated he appreciated Council's offer and added the positions would be needed at some point in the future. Discussion continued with Chief Dyer responding to questions and/or comments of Councilmember Westerlund and President Duncan relative to total number of sworn officers, percentage of vacancies, turn-over rate, the original request for ten investigators, crime concerns of constituents, reason for suddenly figuring out there is no need for the positions when ten were originally requested, it being Council's job to determine what the City can afford, the "vacancy" argument, and the five positions being critical to aggressively address sexual abuse of women and children and identify theft.

City Manager Souza clarified the reasons for the veto were included in the Mayor's veto message, the Mayor took this matter very seriously and Chief Dyer's input was taken prior to the veto, and the budget presented addressed public safety needs and explained, and stated to imply Chief Dyer was simply a "good soldier" was disrespectful to the Chief, the Mayor and the process.

Councilmember Calhoun stated this is always a question of priorities, he has long had a problem with some of the areas where the department puts its money, i.e., the Life Skills Program, and depending on the outcome of this vote stated management may have to make decisions on where money should go.

A motion of President Duncan, seconded by Councilmember Calhoun, to override the Mayor's veto of Motion #36 failed, due to the need for five affirmative votes, by the following vote:

Ayes :	Calhoun, Perea, Westerlund, Duncan
Noes :	Boyajian, Dages, Sterling
Absent :	None

2. Motion #71 - USE THE REMAINING \$225,000 FROM THE YOUTH/SENIOR PROJECT TO RE-PAVE STREET SURFACES IN CDBG AREAS - COUNCILMEMBER WESTERLUND

A motion and second was made to override the Mayor's veto.

Councilmember Calhoun stated he would not support the override as this was the wrong use of funds and added the money should be used for housing and other creative uses to benefit citizens.

Councilmember Westerlund spoke in support of the motion, to the importance of re-paving streets, to the current street resurfacing program and time line, and to streets in his district that are not part of No Neighborhood Left Behind, noted the \$225,000 was allocated to a 'Youth and Senior Project' "whatever that meant", questioned why these funds should be kept in a reserve when they were federal dollars meant to be used in poverty areas, and stated this was an appropriate use of those funds and urged Council's support.

City Manager Souza clarified these funds were not at risk of being lost and the Youth and Senior project was a project that had been budgeted last fiscal year but did not come to fruition, and stated staff was aware the CDBG allotment was continuing to decrease yearly, there was a significant investment being made in streets, and keeping these funds in a reserve was appropriate in the event issues arise through the course of the year or to offset what will probably be a reduction in next year's allotment.

Councilmember Sterling spoke to the street improvement issue, to other high priority needs, i.e., Lowell Elementary School heating and cooling needs and explained, and stated the money needed to stay within the CDBG area.

President Duncan stated the notion that the City is holding off on federal dollars given to help the poor so there will be a reserve was sending a message to Washington that the City did not need the money after all, and stated this was an appropriate motion and would help address inner-city problems.

A motion of Councilmember Westerlund, seconded by President Duncan, to override the Mayor's veto of Motion #71 failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Boyajian, Perea, Westerlund, Duncan
Noes	:	Calhoun, Dages, Sterling
Absent	:	None

3. Motion #20 - RESTAFF THE GRAFFITI ABATEMENT DIVISION AT THE FY 2006 LEVEL WITHIN THE PLANNING & DEVELOPMENT DEPARTMENT (AAR - REDUCTION OF \$792,100 GENERAL FUND AND \$502,000 CDBG) - COUNCILMEMBER WESTERLUND

A motion and second was made to override the Mayor's veto.

Councilmember Westerlund spoke to the background of the issue, to the shift of the graffiti unit to the police department whose main focus/goal is to apprehend criminal offenders, and to how the shift was done without Council approval; stated the question to him was how moving the program to the police department would be more efficient and advised he was never given an answer that made sense; and stated the current program and funding level was working and urged Council's support of the motion.

Discussion ensued. Upon the request of Councilmember Sterling, Planning & Development Director Yovino and Chief Dyer explained their positions on the matter, why the move was an appropriate one, and how it would provide for better efficiencies. Councilmember Calhoun stated this was a wise move, emphasized the crime of graffiti was best stopped by the police department as enforcers and not Mr. Yovino, noted he met with the Sergeant responsible for the graffiti unit and he was very impressed with the efforts being made in conjunction with other staff members, and stated this was the right thing to do and he would support the veto. City Manager Souza and City Attorney Sanchez responded to questions of Councilmember Westerlund relative to impact to the business license citation team **(2 - 0)**.

A motion of Councilmember Westerlund, seconded by President Duncan, to override the Mayor's veto of Motion #20 failed, due to the need for five affirmative votes, by the following vote:

Ayes	:	Boyajian, Westerlund, Duncan
Noes	:	Calhoun, Dages, Perea, Sterling
Absent	:	None

4. Motion #30 - USE THE \$2.00 INCREASE IN ENTRANCE FEES AT ROEDING PARK EXCLUSIVELY FOR ROEDING PARK IMPROVEMENTS (AAR - REDUCTION OF \$330,000 TO GENERAL FUND CAPITAL) - COUNCILMEMBER WESTERLUND

A motion and second was made to override the Mayor's veto.

Councilmember Calhoun stated he thought Woodward Park took \$2 of the \$3 entrance fee for improvements but he was incorrect as only \$1 dollar went back into the park, clarified he was trying to do the same thing for Roeding Park but made the motion that \$2 go back into the park, and stated he did not feel \$2 should be yanked out and encouraged Council to uphold the veto and support upcoming item C-1.

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Councilmember Westerlund stated at issue was where the additional \$2 should go, spoke to Measure Z and the investment in the Zoo by the community, stated a similar commitment/investment needed to be made to Roeding Park's infrastructure and areas surrounding the Zoo to make the entire facility a diamond and further elaborated, and emphasized Roeding Park was decades older than Woodward Park and had decades of infrastructure that needed to be updated and urged Council to support the override.

Councilmember Sterling spoke to the insurance issue Storyland/Playland was again facing and questioned if the \$2 could go to help offset their insurance needs and if Council could make that determination in the future, and stated she would be willing to schedule that matter if this veto is overridden, with City Manager Souza and City Attorney Sanchez responding throughout. Mr. Souza further clarified staff was still recommending \$1 go back into the park which would place \$165,000 into the capital budget and the remaining \$165,000 would stay general fund resource which could be used for Storyland/Playland insurance with 5 votes, and further added staff felt consistency between the two parks was critical.

Councilmember Dages questioned if the City was going to help Storyland/Playland again this year, with Mr. Souza stating he had not received a request for assistance and if he did he would bring the request forth to Council, whereupon Councilmember Dages directed staff to schedule the matter for consideration on August 15th.

Councilmember Westerlund stated he would be willing in the future to look at allocating the funds on something other than capital, and in terms of the dollars being put back into the parks stated there was a good argument in the difference between Woodward and Roeding and reiterated Roeding was significantly older and had different infrastructure requirements and needs.

President Duncan clarified when Woodward's entrance fee was increased to \$3, \$1 was to go towards park improvements and \$1 towards maintenance/operation which was the basis for it passing; stressed this veto needed to be overridden because Roeding Park was a mess, it looked terrible, it was so far behind, and strongly encouraged the money be put back into it; and presented questions relative to when the new state of the art portable restroom facilities would be installed and completed stating people did not want to use the old portable ones, with Parks & Recreation Director Cooper responding. President Duncan stated the restroom issue was a serious issue, Storyland and Playland were being jeopardized because of the decision to shut down and tear down the restrooms, and stressed the \$2 desperately needed to go back into the park for much needed improvements.

On motion of Councilmember Westerlund, seconded by President Duncan, duly carried, RESOLVED, the Mayoral veto of Motion #30 hereby overridden, by the following vote:

Ayes :	Boyajian, Perea, Sterling, Westerlund, Duncan
Noes :	Calhoun, Dages
Absent :	None

5. Motion #50 - PLACE \$75,000 IN A CONTINGENCY FUND SHOULD A PROPERTY BASED IMPROVEMENT DISTRICT (PBID) BE APPROVED WITHIN THE NEXT FISCAL YEAR (AAR) - COUNCILMEMBER CALHOUN

A motion and second was made to override the veto.

Councilmember Calhoun gave an in-depth overview of what a PBID was including the structure and process, stated this would help downtown to grow, it would tell downtown the City would assist downtown in assessing itself, it would not be an on-going cost, and this was a small risk and encouraged the veto be overridden, and responded to questions of City Manager Souza and President Duncan relative to whether the motion was solely for downtown, if the funds were for pre-formation costs and/or election costs, and if the intent was to include city government buildings.

A motion of Councilmember Calhoun, seconded by Councilmember Perea, to override the Mayor's veto of Motion #50 failed, due to the need for five affirmative votes, by the following vote:

Ayes :	Calhoun, Perea
Noes :	Boyajian, Dages, Sterling, Westerlund, Duncan
Absent :	None

6. DEFUND \$170,000 OF CDBG BALANCE TO FUND STREET RESURFACING IN CDBG AREAS (AAR) - PRESIDENT

DUNCAN

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A motion and second was made to override the Mayor's veto.

President Duncan stated these were CDBG funds that were never used and there were urgent needs in the inner-city.

Councilmember Sterling stated basically all the social service programs were defunded and a number of them needed to come back for reconsideration, and stated much money was going into street and infrastructure improvements especially in the older parts of the city. Upon question of President Duncan, City Manager Souza stated approximately \$600,000 of CDBG money went to specific social service projects. Councilmember Boyajian stated he would support the motion although he felt the money should go to economic development, the City did not use CDBG funds the right way, and there were much better uses for these funds.

President Duncan noted A-2 did not pass and if this motion does not pass there would be \$395,000 of CDBG funds available, and encouraged Council to bring proposals forward.

A motion of Councilmember Westerlund, seconded by President Duncan, to override the Mayor's veto failed, due to the need for five affirmative votes, by the following vote:

Ayes :	Boyajian, Perea, Westerlund, Duncan
Noes :	Calhoun, Dages, Sterling
Absent :	None

("B") REQUEST FOR RECONSIDERATION - CHARTER MANDATED *(Requires simple majority vote)*

1. RECONSIDER EXPANDING THE GRAFFITI PROGRAM BY ADDING FOUR (4) EMPLOYEES AND ASSOCIATED FUNDING IN THE POLICE DEPARTMENT AS ORIGINALLY PROPOSED (*IMPACT TO AAR - \$256,700 OF GENERAL FUND AND \$74,500 OF CDBG FUNDS; IMPACT TO PAR - FOUR (4) ADDITIONAL POSITIONS ADDED WITHIN THE POLICE DEPARTMENT*)

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, Item B-1 hereby approved, by the following vote:

Ayes :	Calhoun, Dages, Perea, Sterling
Noes :	Boyajian, Westerlund, Duncan
Absent :	None

2. Motion #20 - RECONSIDER ALLOCATING THE FY 2006 LEVEL FUNDING OF \$792,000 OF GENERAL FUNDS AND \$502,000 OF CDBG FUNDS IN THE POLICE DEPARTMENT INCLUDING EXISTING 12 POSITIONS FOR GRAFFITI PROGRAM (*AAR AND PAR*)

Upon questions of President Duncan and Councilmember Westerlund, City Attorney Sanchez and City Manager Souza clarified Council action was necessary as there was currently no graffiti staffing within the organization, this action would reinstate the original request made to fund the program at FY 2006 level in the police department, affirmative legislative action was necessary, and there would be no graffiti abatement program (positions and funding) if this did not pass.

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, Item B-2 hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Westerlund, Duncan
Noes :	None
Absent :	None

3. Motion #67 - RECONSIDER DEFUNDING THE \$50,000 ALLOCATED FOR THE PATHWAYS TO EXCELLENCE PROGRAM (*AAR*)

Councilmember Dages made a motion to approve and upon call, the motion died for lack of a second.

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4. Motion #68 - RECONSIDER DEFUNDING THE \$25,000 ALLOCATED FOR THE CHARACTER COUNTS PROGRAM (AAR)

Councilmember Dages made a motion to approve and upon call, the motion died for lack of a second.

("C") **REQUEST FOR RECONSIDERATION - NON-CHARTER MANDATED** *(Requires five (5) affirmative votes)*

1. Motion #30 - CONSIDER REDUCING THE AMOUNT OF THE ROEDING PARK ENTRANCE FEE DEDICATED TO CAPITAL IMPROVEMENTS FROM \$2 TO \$1 (AAR - \$330,000 OF GENERAL FUND PROCEEDS IS ALLOCATED \$165,000 FOR ROEDING PARK CAPITAL)

Withdrawn by City Manager Souza due to Council's action on Item A-4.

2. Motion #49 - RECONSIDER FUNDING A CITY PARTNERSHIP WITH THE CITY CENTRAL VALLEY HIGHER EDUCATION CONSORTIUM TO PROVIDE A WALK-IN COLLEGE INFORMATION CENTER FOR \$60,000 (REDUCED FROM \$85,000 (AAR)

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, reconsideration of Motion #49 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling
Noes : Boyajian, Westerlund, Duncan
Absent : None

A motion and second was made to approve funding.

Alan Carden, 874 E. Richmond, Director of the Central Valley Higher Education Consortium, spoke to the importance of a college education and urged Council's support **(3 - 0)**.

Councilmember Calhoun thanked the Mayor for bringing this matter back reconsideration, noted the funding amount had been reduced from \$100,000 and then \$85,000, and spoke in support of the issue, requested Council take a risk and chance, and clarified the money would not be spent without match funds.

A motion of Councilmember Calhoun, seconded by Acting President Perea, to approve Item C-2 failed, due to the need for five affirmative votes, by the following vote:

Ayes : Calhoun, Dages, Perea, Sterling
Noes : Boyajian, Westerlund, Duncan
Absent : None

President Duncan noted the next meeting was August 15th and advised Acting President Perea would not be in attendance as he would be on his honeymoon, and on behalf of Council congratulated Acting President Perea on his upcoming wedding.

Councilmember Boyajian stated he was registering a "No" vote on the budget based on his objections on CDBG money, the educational programs in the Parks & Recreation Department, the fact that there was a higher percentage in the Police Department, the fact that enough money was not spent on economic development, the fact that a Housing Trust Fund did not pass, the fact that more money was not allocated to Hope VI, his opposition to video policing, and his opposition to the purchase of buildings on Kern Street, and stated his economic development priorities were a lot different than this Administrations'.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 11:46 a.m. having arrived and hearing no objections, President Duncan declared the meeting adjourned.

Approved on the ____ 15th ____ day of ____ August ____, 2006.

_____/s/_____
Jerry Duncan, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

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